

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH)
BENEFITS FUND, PIRELLI ARMSTRONG)
RETIREE MEDICAL BENEFITS TRUST;)
TEAMSTERS HEALTH & WELFARE FUND)
OF PHILADELPHIA AND VICINITY;)
PHILADELPHIA FEDERATION OF)
TEACHERS HEALTH AND WELFARE)
FUND; DISTRICT COUNCIL 37, AFSCME -)
HEALTH & SECURITY PLAN; JUNE)
SWAN; MAUREEN COWIE and BERNARD)
GORTER,)

Plaintiffs,)

v.)

FIRST DATABANK, INC., a Missouri)
corporation; and McKESSON)
CORPORATION, a Delaware corporation,)

Defendants.)

C.A. No. 1:05-CV-11148-PBS

**NOTICE OF PLAINTIFFS' RESPONSE TO LETTER FROM
CLASS MEMBER MR. DELAFRANGE**

Attached hereto as Exhibit A is a letter from Plaintiffs' counsel responding to Mr.
Delafrange's letter that was lodged with the Court by Mr. Delafrange on October 11, 2007.

DATED: October 18, 2007

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on October 18, 2007.

/s/ Steve W. Berman
Steve W. Berman

Exhibit A



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HAGENS BERMAN
SOBOL SHAPIRO LLP

October 18, 2007

Mr. Kenneth P. Delafrange
29 Cedar Street
Champlain, NY 12919

Re: New England Carpenters v. First DataBank

Dear Mr. Delafrange:

I am one of the lawyers for the plaintiffs in this case and write in response to your letter to the Court.

The proposed settlement is with the two defendants who published prices for the drugs at issue. Neither has the assets to pay a fraction of the damages in this case. Therefore the rollback of published drug prices is really the only meaningful relief that could be achieved vis-à-vis these defendants. Most of those in the class will benefit by this rollback as it is a rare consumer who would not take one of these drugs in the next few years.

As to making you and other class members "whole" we are prosecuting the case against McKesson. McKesson is one of the nation's largest companies and has the assets to pay the damages caused by the price fix/scheme at issue. We are pursuing this claim 24/7 and with the utmost vigor, determination and enthusiasm. Judge Saris has recently certified the claims of consumers who made a co-payment for any of these drugs, though McKesson is wriggling to cut the class back, and we hope to try that case next year.¹

If you have further questions after receipt of this information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', written over a horizontal line.

Steve W. Berman

SWB:dld

¹ If a consumer makes a flat co-pay he/she is not injured by price charges. If a consumer is uninsured we have filed a proposed complaint to cover these losses.